
DEPOSITION OF CARL RAGASA VOL II TAKEN 10/13/04

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**CONDENSED TRANSCRIPT AND CONCORDANCE
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XMAX(22/107)

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- (1) set-up. 'Cause even in the letters, if you read,
 (2) Gerald, guys, all knew it was one set-up. They all
 (3) even write it looked like a total set-up, and we all
 (4) knew.
 (5) Q. Was that all the events that happened
 (6) between you and Ethan and Sid that day?
 (7) A. Yes.
 (8) Q. Any contact directly with Kaden that day?
 (9) A. No.
 (10) Q. Did you learn from any of the other guards
 (11) what, if anything, happened at the training at tower
 (12) two that day, if anything?
 (13) A. Oh, no. All I know that Randy told me
 (14) that Sid told him, You gotta take over the class
 (15) now, I think I'm in trouble. That was Randy's
 (16) words. I think it's in the letter, too. He wrote
 (17) that --
 (18) And the reason why Randy also told me that
 (19) he's following their way, because he never like the
 (20) same thing happen to him that happened to me.
 (21) That's what he also told me.
 (22) Q. Okay. Did Randy express to you his
 (23) understanding of what Sid meant when he said, I'm in
 (24) trouble?
 (25) A. Oh, yeah. He knew. He knew what was

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- (1) wrong already, that they --
 (2) Q. What was Randy's -- what did Randy tell
 (3) you?
 (4) A. Exactly what he -- I just told you. And
 (5) it's in the paper. I cannot go word for word. You
 (6) get it somewhere.
 (7) Q. As far as you know, the training went
 (8) forward at tower two; no issues with respect to that
 (9) training, as far as you know?
 (10) A. Yeah. That training went on. Then after
 (11) that, they stopped training completely, stopped --
 (12) they stopped -- couple more classes scheduled. They
 (13) stopped. Not only that, Kaden dropped out of the
 (14) water safety position, after my incident.
 (15) Q. When you refer to your incident, what are
 (16) you talking about?
 (17) A. Arrested. After I got arrested.
 (18) Q. So the training stopped before you got
 (19) arrested or after you got arrested, as far as you
 (20) know?
 (21) A. It stopped right -- just like right on the
 (22) same time. As far as I know, right about the same
 (23) time. He never teach the next classes, what's
 (24) supposed to have scheduled. Like I was supposed to
 (25) be in the next and somebody else. He never go on.

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- (1) That was like the end for him. He -- Randy took
 (2) over.
 (3) Q. And that was fine with you, that Randy
 (4) would take over the training?
 (5) A. Yeah, 'cause Randy's our teacher. He works
 (6) -- you know, he did all the courses. He did his --
 (7) Q. Let me ask you this question: If Sid Kini
 (8) had showed you a card that showed he was certified,
 (9) would you have allowed him to train you?
 (10) A. Yes.
 (11) MR. ZENGER: I'm just going to make an
 (12) objection. It calls for speculation.
 (13) But you can answer anyway.
 (14) A. I'll say yes, but I would still disagree
 (15) on what he train me for. Now, if it was USLA, I no
 (16) think -- I would have to -- you know, I know his
 (17) level of training. If he has a card, that means he
 (18) did the training, right, the USLA training. And I
 (19) would know that, 'cause Kauai's a small place, and
 (20) Randy would tell me, 'cause he's the only certified
 (21) USLA.
 (22) BY MS. CHANG:
 (23) Q. Just so I'm clear, you would have allowed
 (24) Sid to train you, but you would have still had your
 (25) doubts with respect to the level of training he

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- (1) could provide to you?
 (2) A. Yeah, yeah. I just answered that. I said
 (3) I would if I knew of his training. But if that was
 (4) just like Red Cross training and he came to train
 (5) me with a Red Cross card, no, because it's not
 (6) qualified like USLA.
 (7) MS. CHANG: Why don't we take a short
 (8) break. We've been going two hours now.
 (9) THE VIDEOGRAPHER: The time is 10:31 a.m.
 (10) we're off the record. This is the end of tape four.
 (11) (Break taken.)
 (12) THE VIDEOGRAPHER: The time is 10:53 a.m.
 (13) We're back on the record. This is the start of tape
 (14) number five.
 (15) BY MS. CHANG:
 (16) Q. Carl, during the events that happened on
 (17) the 22nd with you and Sage and Kini, did at any time
 (18) you raise your voice at either of them?
 (19) A. So long ago, I don't even remember. Yeah,
 (20) I think one time.
 (21) Q. And when you raised your voice, what were
 (22) you saying?
 (23) A. I told Sid, Why you bring him over here
 (24) for, you know.
 (25) Q. You were upset with Sid?

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XMAX(24/108)

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- (1) A. Yeah, because he brought him over there,
 (2) but not where I threaten and harass him. I just
 (3) said, Why you brought him over here.
 (4) Q. But you did raise your voice at him?
 (5) A. Yeah.
 (6) Q. And you were upset because you had asked
 (7) him not to bring him and he did?
 (8) A. Yeah, yeah. Yeah.
 (9) Q. Did you say anything else to Sid besides,
 (10) Why you bring him here for?
 (11) A. No. After that, I ran down the beach.
 (12) Q. Did at any time you raise your voice in
 (13) talking to Ethan that day?
 (14) A. No.
 (15) Q. Did you ever swear at Ethan that day?
 (16) A. No.
 (17) Q. Did you ever use profanity at Sid Kini
 (18) that day?
 (19) A. What is that? What you mean?
 (20) Q. Swear at him.
 (21) A. Yeah, I think maybe one time.
 (22) Q. What did you say to Sid?
 (23) A. Why the F you came here, I told you not to
 (24) come here. That's the only thing I said.
 (25) Q. Did Sid swear back at you in response?

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- (1) A. No.
 (2) Q. Now, Ethan knows that you have a black
 (3) belt in jujitsu?
 (4) A. Yeah.
 (5) Q. Everybody knows that; you're pretty well
 (6) known for your talents in that regard?
 (7) A. Yes.
 (8) Q. Fair to say?
 (9) A. Yeah.
 (10) Q. And Sid, do you know if Sid is aware of
 (11) your reputation in that regard?
 (12) A. Yes. I think everybody knows. Small
 (13) island.
 (14) Q. Yes. Everybody knows everybody's
 (15) business; right?
 (16) A. (Witness nods.)
 (17) Q. Is that a yes? That's a yes; right?
 (18) A. Yes.
 (19) Q. In your view, did Ethan appear scared of
 (20) you in any way?
 (21) A. No. Because he knew I wasn't gonna do
 (22) nothing. He knows me, 'cause he used to work with me,
 (23) and I told him like how I tell all the other guys, I
 (24) would never make the first move on a man unless I
 (25) have to protect myself and that's what I teach my

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- (1) students.
 (2) Q. How about Sid; in your view, did he --
 (3) A. I think he knew, too. He knew -- he knew
 (4) how powerful I am, so he knew I wouldn't. That's
 (5) why he came back.
 (6) And I think the reason why he came in
 (7) between, if you say it was in between, is to stop
 (8) Ethan, not me. He the one was going off.
 (9) Q. Was Ethan physically challenging you when
 (10) he was going off on you?
 (11) A. Looks like he was swearing for like make
 (12) something happen. But I knew the game already.
 (13) Q. But isn't it true that if you got into a
 (14) fight with Ethan, you would have been able to pound
 (15) him?
 (16) A. Easily. But that's why I'm not gonna
 (17) fight him. I already know that. I was more like
 (18) joking to him. Because it's like this whole thing
 (19) is like a joke.
 (20) Q. But you were upset with Sid for bringing
 (21) the training class there, bringing Ethan there?
 (22) A. Yeah. Not only me. Also, Mark McKamey,
 (23) the senior guard there.
 (24) Q. He was upset that Sid brought him --
 (25) A. Oh, yeah. 'Cause -- oh, how come you're

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- (1) back here again.
 (2) Q. Did Mark have words with Sid?
 (3) A. I don't know. I can't remember. And I
 (4) ran.
 (5) Q. Do you know if Mark had words with Ethan?
 (6) A. No. I no can remember anything like that.
 (7) Q. I want to go back to the March 20th date.
 (8) A. Okay.
 (9) Q. Was Kanani present at any time near tower
 (10) one on March 20th?
 (11) A. She was -- yeah. She was at the -- she
 (12) was over there, but she was by the storeroom.
 (13) Q. Was she helping you or what?
 (14) A. Helping me what?
 (15) Q. Was she helping you or why was she at the
 (16) storeroom that day?
 (17) A. Oh. She just hanging out. It's a public
 (18) park, yeah.
 (19) Q. Keeping you company, kind of?
 (20) A. Yeah. She works out. She surfs.
 (21) Q. Was there any interaction between Kanani
 (22) and Ethan that day?
 (23) A. No.
 (24) Q. Was there any interaction between Kanani
 (25) and Sid that day?

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XMAQ(28/110)

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- (1) A. No. Well, not that I can remember. How
(2) long I worked? You mean, all the years I did
(3) work?
(4) Q. As best you can recall.
(5) A. I don't think so. I can't say I know yes
(6) or no.
(7) Q. But the one person you can remember is
(8) Ethan. No other names come to mind right now?
(9) A. Yes.
(10) Q. Okay. On the -- we'll go back to the day
(11) of March 22nd, when you said you called Ethan Diaper
(12) Boy and he had words with you on that day. Did you
(13) ever mention to them, either Ethan or Sid, that, Go
(14) ahead and call the cops if you want to call the
(15) cops, or anything to that effect?
(16) A. Yes.
(17) Q. Tell me about -- what I'm trying to do is
(18) I'm try to get everything that transpired,
(19) everything that you guys said. So I want to get
(20) that whole series of conversations or statements
(21) that were made that day. Okay?
(22) A. Yes.
(23) Q. So the first thing is -- your first
(24) contact was, Sid, why did you bring him here.
(25) A. Uh-huh.

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- (1) Q. Is that correct?
(2) A. Yes.
(3) Q. Okay. Or, Why the F did you bring him
(4) here. And Sid did not respond to you, or did he?
(5) A. No. Never respond.
(6) Q. Did he make any gestures or anything to
(7) you to disrespect you in response to your question?
(8) A. No. But the way he was walking around
(9) around the tower, he knew what he was doing. He
(10) knew the setup.
(11) Q. But he did not do anything -- he did not
(12) say anything verbally to -- in response to your
(13) statement, Why the F did you bring him here?
(14) A. No. Nothing.
(15) Q. And then after that, that's when you saw
(16) Ethan and you called him Diaper Boy?
(17) A. No. It was before. That was the first --
(18) Q. Oh. That was before?
(19) A. Yeah. The first time I saw him, when I
(20) came out of the bathroom and I walked by.
(21) Q. So you saw Ethan before you ever saw Sid?
(22) A. No. Sid came a little earlier. That's
(23) why I talked to Sid first. It was about the cards
(24) and stuff, yeah.
(25) Q. That's okay. I'm just trying to get, you

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- (1) know, the timing and --
(2) A. Trying to catch me in lies, huh? Nah,
(3) nah, nah.
(4) Q. No. I'm trying to understand the timing
(5) on all this.
(6) A. Just kidding. Look, she's typing all this
(7) stuff.
(8) Q. Okay. There will be -- you'll have a
(9) chance to correct your deposition. All I want to
(10) know is what happened first. And the first was the
(11) contact with Sid, your statement to Sid, Sid's
(12) non-reaction, and then you saw Ethan?
(13) A. No. I saw Ethan first. I mean, I talked
(14) to Sid when he came earlier, about the card and
(15) stuff. Then I went to the bathroom. Then Ethan.
(16) Right.
(17) Q. Okay. And then -- by the way, when you
(18) asked Sid, Why the F did you bring him here, where
(19) was Sid? Where was he physically?
(20) A. He was in the room. He was in the room.
(21) Was me and him in the room, and then had Gerald Hurd
(22) right there.
(23) Q. So Gerald heard you ask the question to
(24) Sid?
(25) A. Yeah.

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- (1) MR. ZENGER: Gerald Hurd heard.
(2) A. Gerald Hurd heard.
(3) BY MS. CHANG:
(4) Q. H-u-r-d, h-e-a-r-d, yes.
(5) Okay. And then you went to the bathroom.
(6) A. No. I came from the bathroom.
(7) Q. Came from the bathroom. Okay.
(8) A. Then I went -- I said, Good morning,
(9) Diaper Boy. Then I walked straight in the room. He
(10) started to go off. That's when Sid came in between.
(11) I think Sid was trying to stop him from going crazy,
(12) not me. I was all calm. It was like one joke to
(13) me.
(14) Q. Then what other comments, if any, were
(15) made? You said you ran off. But did you say
(16) anything about calling the cops before you ran off
(17) or after?
(18) A. Yeah. I think right when I said, What the
(19) F you doing here -- what are you doing here, I told
(20) you not for come over here, you know, it's like --
(21) you know the situation here. And I said, What you
(22) gonna do now, call the cops, call 'em. That's what
(23) I said. I wasn't swearing, calling F and going off,
(24) like they said in the police report. All those
(25) F'n -- maybe one time.

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- (1) Q. I don't want to know what you told him or
(2) legal conclusions. I just want to know why in your
(3) heart you --
(4) A. I'll answer that. 'Cause I feel like he's
(5) part of the whole thing. That's the reason why I
(6) got arrested. He could have gone to higher
(7) authorities, said, Why I gotta go back over there,
(8) before the, you know, argument even started. That's
(9) why he -- I thought at that time he was coming after
(10) me, you know, too, so I don't --
(11) Q. So you felt he was all part of it and he
(12) could have gone to a higher authority?
(13) A. Yeah, if something -- if they was against
(14) him, I figure he could have gone -- you know, go to
(15) the police, why they doing that to him, but -- I
(16) figure they all coming together, so I don't know
(17) who.
(18) Q. But Ethan gave you three statements saying
(19) he didn't do it. Don't you believe that helps you?
(20) A. I don't know how to answer that question.
(21) Q. You talked about Kaden taking Sage down to
(22) the police. What information do you have that Kaden
(23) forced Kini to make any statements against you?
(24) A. I have no information on that. I just
(25) know they went down to the -- met at the station.

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- (1) Q. So as we sit here today, you don't have
(2) any information that would demonstrate that Kaden
(3) forced Kini to make false statements against you?
(4) A. Everything I have is all written down. I
(5) wouldn't know that offhand.
(6) Q. Okay. Let's go on to paragraph 46 and
(7) then we'll break for lunch right after that.
(8) In direct reliance on the false report of
(9) Defendants Kini and Sage to members of the Kauai
(10) Police Department, said Kauai Police Department
(11) officers arrested Plaintiff while he was on duty for
(12) Defendants County and KFD on March 30, 2002. The
(13) Kauai Police Department officers fingerprinted,
(14) photographed, booked and detained him at a Kauai
(15) Police Department station.
(16) Does that, in your view, accurately set
(17) forth what happened that day, or did -- as far as
(18) you know?
(19) MR. ZENGER: And before you answer, I want
(20) to correct the record. It may well be that that's
(21) March 31st. It was a Sunday. So I could be off --
(22) it may be March 30th. I think it's March 31st.
(23) It's a typo.
(24) MS. CHANG: It might be. It might be.
(25) MR. ZENGER: I think that's a typo.

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- (1) THE WITNESS: I remember was Easter
(2) Sunday.
(3) BY MS. CHANG:
(4) Q. Okay. So if it's -- I think it was a
(5) Sunday. I'm not trying to trick you, so if you want
(6) to say it was the 31st -- you recall it was a
(7) Sunday?
(8) MR. ZENGER: Easter Sunday?
(9) A. Yes. I think it was Easter Sunday.
(10) BY MS. CHANG:
(11) Q. And you were on duty -- you were working
(12) Easter Sunday?
(13) A. Yes.
(14) MS. CHANG: All right. So we can
(15) stipulate to correct that, as well. If we're going
(16) to do a stipulation, let's do a list of them.
(17) MR. ZENGER: Sure. I'll fix them all.
(18) MS. CHANG: It's just easier that way.
(19) You don't have to go through multiple pleadings.
(20) MR. ZENGER: Okay.
(21) MS. CHANG: All right. You know what.
(22) Why don't we take a lunch break, okay, because we've
(23) been going for several hours. We'll have lunch and
(24) come back in about an hour. 12:30?
(25) MR. ZENGER: Yeah. And you want to finish

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- (1) at five today; is that right?
(2) THE VIDEOGRAPHER: The time is 11:21 a.m.
(3) We're off the record.
(4) (Discussion off the record.)
(5) (Lunch recess taken.)
(6) THE VIDEOGRAPHER: The time is 12:35 p.m.
(7) We're back on the record.
(8) BY MS. CHANG:
(9) Q. Carl, I think you had previously
(10) testified, before lunch, that Kanani had been in the
(11) vicinity of tower one on March 20th. That's the day
(12) that you said Ethan kind of mocked you.
(13) A. Yeah. Yes.
(14) Q. Was she ever at the tower at any other
(15) time after that when Ethan was also in the same
(16) vicinity you were at?
(17) A. I no can remember. Just that one.
(18) Q. She wasn't there on the 22nd --
(19) A. No.
(20) Q. -- when you told --
(21) A. No.
(22) Q. And was she present while you were there
(23) at any time where there was any discussion or
(24) confrontation with Ethan, other than that driving by
(25) in the car and on the 20th of March?

C E R T I F I C A T E

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, SUE M. FLINT, Notary Public, State of
Hawaii, do hereby certify:

That on October 13, 2004, at 8:40 a.m.,
appeared before me Carl Ragasa, the witness whose
deposition is contained herein; that prior to being
examined he was by me duly sworn;

That the deposition was taken down by me
in machine shorthand and was thereafter reduced to
typewriting under my supervision; that the foregoing
represents to the best of my ability, a true and
correct transcript of the proceedings had in the
foregoing matter.

I further certify that I am not an
attorney for any of the parties hereto, nor in any
way concerned with the cause.

DATED this 1~~st~~ day of November,
2004, in Honolulu, Hawaii.

Sue M. Flint
SUE M. FLINT, RPR, CSR 274
Notary Public, State of Hawaii
My Commission Exp: July 23, 2007